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SUBJECT: NIGERIA: STATUS OF CHILD LABOR PROVISIONS FOR
TRADE AND DEVELOPMENT ACT PROVISIONS

REF: STATE 182648

1. Due to severe staffing shortages, particularly the prolonged vacancy of Post's Labor officer position, Embassy Abuja and Consulate Lagos are unable to meet reftel request for "detailed and comprehensive information" on the status of child labor in Nigeria. The Regional Labor officer departed Post in July and this critical position remains unfilled. Many other vacancies have further weakened our capacity to collect and interpret information.

2. Indicator A: Laws and regulations proscribing the worst forms of child labor

-- Nigeria has agreed in principle to ratify ILO Conventions 182, Worst Form of Child Labor, and 138, Minimum Age for Employment. However, ratification will require approval by the Federal Executive Council (equivalent of the U.S. Cabinet) and a consenting vote by the National Assembly.

-- The 1974 Labor Decree strictly prohibits employment of children under 15 years old in commerce and industry, and permits child labor only for home-based agricultural or domestic work. The law states that children may not be employed in agricultural or domestic work more than 8 hours per day. The decree allows the apprenticeship of youths at age 13 under specific protective conditions.

-- The 1974 Labor Decree and the 1999 Constitution prohibit forced or compulsory labor, a prohibition that extends to children, although they are not mentioned specifically in the laws.

-- There is draft legislation now before the National Assembly that would make trafficking in persons a crime.

3. Indicator B: Implementation and enforcement of laws

-- Trafficking in children as indentured servants or for criminal activities such as prostitution is a problem and enforcement is ineffective. According to ILO reports, there is an active, extensive trade in child laborers, some of whom are exported to Cameroon, Gabon, Benin and Equatorial Guinea to work in agricultural enterprises. Other children are coerced into prostitution. Authorities have identified trade routes for traffickers that wind through Katsina and Sokoto to the Middle East and East Africa. The eastern part of Nigeria and southern states such as Cross Rivers and Akwa Ibom have been the loci of trafficking of children for labor. Nigeria also remains a destination for the trafficking of Togolese children. An ILO report on child trafficking in West Africa identified Nigeria as a source, destination and transit area for child trafficking within the region.

-- There is evidence of trafficking of Nigerian children to the United States and Europe, mostly for the reunification of children with undocumented parents in destination countries.

-- Nigerian police report that, due to economic pressures, the families of girls and women often condone their entry into the sex trade. During the past year, at least one documented case of trafficking in children was reported in Lagos, though incidents of trafficking in Lagos and other major Nigerian cities are suspected to be commonplace.

-- A rare and high-profile arrest of a suspected trafficker occurred in mid-2001. Bisi Dan Musa, a prominent Lagos businesswoman and wife of a former Presidential aspirant, was arrested and charged with 19 counts of child stealing (kidnapping) and slave dealing after 16 children, between one and four years old, were found in her custody.

-- In August, 33 Nigerian women and children intercepted in Conakry, Guinea, were repatriated to Nigeria following the personal intervention of President Obasanjo. As of this writing, the Nigerian Government is planning to seek the extradition of 15 Nigerian traffickers arrested by Guinea in connection with the 33 women and girls.

-- Basic economic incentives often underlie child trafficking. Generally, families who employ children as domestic servants (a widespread practice in West Africa) also pay their school fees. Child traffickers receive a monthly payment from the employer, part of which is remitted to the parents of the indentured child servant. Traffickers take advantage of a cultural tradition of child fostering, under which it is acceptable to send a child to live and work with a more prosperous family in return for educational and vocational opportunities.

14. Indicator C: Institutional mechanisms to investigate and address allegations

-- The absence of large numbers of documented reports of trafficking is believed to result, in part, from ineffective enforcement mechanisms, lack of resources, and weak government commitment. The GON has conducted few investigations into the alleged involvement of government officials in trafficking, though involvement of government officials reportedly is widespread.

-- Police attempts to stem the trafficking of persons are inadequate and too often focus on the victims of trafficking, who are often subjected to lengthy detention and public humiliation upon repatriation to Nigeria. In contrast, traffickers are rarely identified and punished.

-- The Labor Ministry has an Inspections Department whose major responsibilities include enforcing the legal provisions relating to conditions of work and protection of workers. However, there are less than 50 inspectors for the entire country. The Ministry conducts inspections only in the formal business sector, in which the incidence of child labor is not significant.

15. Indicator D: Social programs to prevent worst forms of child labor.

-- Awareness campaigns, often conducted by spouses of prominent politicians or non-governmental entities, have only recently begun to garner widespread attention. Statistics are insufficient to determine if these campaigns are productive. The development of a reliable, statistically-valid base for assessing the child trafficking problem has only recently begun under ILO auspices.

-- Primary education is compulsory, although this requirement rarely is enforced. Studies indicate declining school enrollment due to deteriorated public schools and increased economic pressures on families. The lack of sufficient primary schools and the high cost of school fees limit many families' access to education, inducing them to place their children in the labor market. Economic hardship leads to high numbers of children in commercial activities aimed at enhancing meager family income. Children are frequently used as beggars, hawkers, and bus conductors in urban areas. The use of children as domestic servants is common. According to data from the ILO (dated 1998) and UNICEF, the incidence of child prostitution is growing.

-- Private and government initiatives to stem the growing incidence of child employment exist but are ineffective, given the size of the problem, and the need for a well-functioning legal system. UNICEF operates programs that remove young girls from the street hawking trade and relocate them to informal educational settings. UNICEF believes its efforts only scratch the surface, however.

16. Indicator E: Whether Nigeria has a comprehensive policy for the elimination of the worst forms of child labor.

-- In conjunction with the ILO, the Nigerian government is building a national program of action in support of child rights, survival, protection, development and participation. Andrews